THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4994 OF 2006

05.04.2006

Between:

K.Ramachandraiah, S/o K.Seetha Ramaiah

… Petitioner

AND

The District Collector, Ranga Reddy Distirct and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4994 OF 2006

ORDER:

The petitioner assails the proceedings, dated 08.12.2005, issued by the Mandal Revenue Officer, the third respondent herein, whereby and whereunder in respect of the property admeasuring Ac.14.19 guntas in survey No.328 and Ac.18.25 guntas in

survey No.333 situated at Yelverthy village, Shankarpally Mandal, Ranga Reddy District, the petitioner and his brother, the fourth respondent herein, were ordered to be recorded as successors in the record of rights.

It is the case of the petitioner that the property in question is self-acquired property of the petitioner, which he purchased fifty years ago as evidenced by the Khasri Pahani 1954-1955. It is also the case of the petitioner that when the fourth respondent approached the third respondent, he conducted Panchanama and without issuing any notice to the petitioner decided that the fourth respondent has half share in the property, which is illegal. It appears after obtaining the proceedings from the third respondent, the fourth respondent filed suit being O.S.No.26 of 2006 on the file of the II Additional Junior Civil Judge, Ranga Reddy at L.B.Nagar and after coming to know about the same, the petitioner made an application to the second respondent on 16.01.2006. When the same was not considered, the present writ petition is filed.

At the time of arguments, the learned counsel for the petitioner has placed before this Court a letter bearing No.C/96/2006, dated 16.01.2006, addressed by the second respondent to third respondent advising the latter to pass appropriate orders treating the application made by the petitioner as one under Section 3(3) of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act). He submits that the Mandal Revenue Officer without conducting enquiry ordered to enter the name of the fourth respondent to the extent of half share, though he has no such right in the property as it is the self-acquired property of the petitioner.

A perusal of the impugned proceeding would show that the fourth respondent approached the third respondent for grant of succession in respect of property in survey Nos.328 and 333. The same was treated as a petition under the Act for amendment of the record of rights and the proceedings were issued. Under sub-section (5) of Section 5 of the Act, any order passed by the Mandal Revenue Officer is appealable to the Revenue Divisional Officer. As the fourth respondent approached the Mandal Revenue Officer, long after coming into force of the Act, sub-section (3) of Section 3 of the Act has no application. Therefore, without expressing any opinion on the merits of the claim of the petitioner, this writ petition is disposed of giving liberty to the petitioner to approach the second respondent by filing appeal under 5(5) of the Act and as and when such appeal is filed, the second respondent shall consider the same after issuing notice to the fourth respondent and pass appropriate orders. It shall be open to the petitioner as well as fourth respondent to place material on which they rely in support of their claim. As and when the appeal is filed, the same shall be disposed of by the second respondent within two weeks thereafter.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

05.04.2006.

pln